

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Criminal No. 17-20595

v.

Hon. Marianne O. Battani

Yousef Mohammad Ramadan,

Defendant.

_____ /

GOVERNMENT’S COMBINED BRIEF AND MOTION
REQUESTING NOTICE OF SUBPOENA REQUEST

The United States asks this Court for notice and the opportunity to be heard should the defendant ask the Court to issue subpoenas / orders for information regarding witnesses in this case.

On August 16, 2018, counsel for the defendant requested that the United States provide the cell phone numbers and names of the cell phone providers for federal agents Kelly, Brown, Thomas, Schmeltz, and Armentrout. The defendant wants this information in order to “subpoena the phone records, i.e., text messages” of the aforementioned agents. These agents are all witnesses in the current suppression hearing and potential witnesses in the defendant’s trial.

On August 20, 2018, the government declined the defendant's request under Federal Rule of Evidence 17(h), which states that "No party may subpoena a statement of a witness or of a prospective witness under this rule. Rule 26.2 governs the production of the statement." Rule 17(h) is clear that the information the defendant seeks is "Not Subject to a Subpoena."

Should the defendant ask the Court for a subpoena or order for this information, ex parte or otherwise, the United States respectfully requests that the Court provide notice of the request and allow attorneys for the government an opportunity to be heard on the matter.

Respectfully submitted,

Matthew Schneider
United States Attorney

s/Ronald W. Waterstreet
Ronald W. Waterstreet
Assistant United States Attorney
Ronald.waterstreet@usdoj.gov

s/Michael C. Martin
Michael C. Martin
Assistant United States Attorney

s/Hank Moon
Hank Moon
Assistant United States Attorney

Dated: August 22, 2018

Certificate of Service

I hereby certify that on August 22, 2018, I electronically filed the Government's Combined Brief and Motion Requesting Notice of Subpoena Request with the Clerk of the Court of the Eastern District of Michigan using the ECF system, which will send notification of such filing to counsel for the defendant, Yousef Mohammad Ramadan.